

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

BRIAN J. HANSEN, D.O., RESPONDENT

FILE Nos. 03-12-316 & 03-12-326

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Brian J. Hansen, D.O., (Respondent), and on October 25, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the pending charges in this matter.

1. Respondent was issued Iowa medical license no. 3580 on June 30, 2004.
2. Respondent's Iowa medical license went inactive due to nonrenewal on February 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C
4. Respondent formerly practiced medicine in Hampton, Webster City, Charles City and Fairfield, Iowa.
5. **Statement of Charges and Emergency Adjudicative Order:** On September 25, 2012, the Board filed a Statement of Charges and Emergency Adjudicative Order against Respondent. The Board determined that Respondent posed an immediate danger to the

public health, safety, and welfare and immediately suspended his Iowa medical license. The Board alleged that Respondent engaged in a pattern of sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa including the following:

A. **Female #1:** Respondent worked with Female #1 and provided medical care to her between May 2009 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made inappropriate sexual telephone calls, to Female #1.
- 2) On several occasions, Respondent masturbated in the presence of Female #1 in his office while pornography was playing on his office computer.
- 3) On several occasions in 2011-2012, Respondent pressured Female #1 to engage in sex acts with him, and physically threatened her on one occasion.
- 4) Respondent threatened to have Female #1 fired.

B. **Female #2:** Respondent worked with Female #2 between July 2010 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made other inappropriate sexual overtures, to Female #2.
- 2) Respondent initiated inappropriate sexual contact with Female #2 while working together in the hospital in December 2011 and January 2012.

C. **Female #3:** Respondent worked with Female #3 between February 2007 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made other inappropriate sexual overtures, to Female #3.
- 2) On multiple occasions, Respondent masturbated in the presence of Female #3 in his office while pornography was playing on his office computer.
- 3) On occasions while he was providing medical care to her, Respondent kissed Female #3, touched her inappropriately and engaged in nonconsensual sexual conduct toward her.

D. **Female #4:** Respondent worked with and provided medical care to Female #4 between April 2007 and May 2012:

- 1) Respondent made improper sexual comments, inappropriate sexual telephone calls, and other inappropriate sexual overtures, to Female #4.
- 2) Respondent engaged in nonconsensual sexual conduct with Female #4.

E. **Female #5:** Respondent worked with Female #5 and provided medical care to her between August 2010 and March 2012:

- 1) Respondent made improper sexual comments, inappropriate sexual telephone calls, and other inappropriate sexual overtures, to Female #5.

- 2) Respondent viewed pornography on his office computer in the presence of Female #5 on multiple occasions.
- 3) On one occasion while working with Female #5, Respondent asked her to engage in inappropriate sexual conduct.

F. **Female #6:** Respondent worked with, and provided medical care to, Female #6 between November 2006 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and other inappropriate sexual overtures, to Female #6.
- 2) On one occasion while providing medical care to Female #6, Respondent engaged in nonconsensual sexual conduct towards her.
- 3) On another occasion while providing medical care to Female #6, Respondent forcibly engaged in a sexual act with Patient #6 in Respondent's office. Respondent later engaged in sex acts with Female #6 on more than one occasion.

6. **Criminal Conviction:** On May 29, 2013, Respondent was charged with eight criminal counts in the Iowa District Court for Franklin County, Iowa; two counts of Sexual Abuse in the Third and six counts of Sexual Exploitation by a Counselor or Therapist. On May 30, 2013, Respondent pleaded guilty to one count of Sexual Exploitation by a Counselor or Therapist, a class D felony. Respondent admitted having sexual contact with co-workers and patients between 2006 and 2012 at Franklin General Hospital in Hampton, Iowa.

Respondent received a five-year suspended prison sentence and was placed on supervised probation for a period of five years. Respondent was ordered to pay a \$7,500 fine, a \$2,625 surcharge, and \$140 in court costs. Respondent must also register as a sex offender and pay restitution.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in a pattern of sexual misconduct in violation of the laws and rules governing the practice of medicine. Respondent is hereby **WARNED** that engaging in such conduct will not be tolerated.

8. **CIVIL PENALTY:** Respondent shall pay a **\$10,000 civil penalty** within ninety (90) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

9. **VOLUNTARY SURRENDER:** Respondent **voluntarily surrenders** Iowa medical license no. 3580 to resolve this matter.

10. Respondent shall submit a written statement to the Board which demonstrates that he has shared a copy of this order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of this order.

11. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order with all hospitals and clinics where

Respondent practices medicine within thirty (30) days of the date of this order.

12. Respondent voluntarily submits this Order to the Board for consideration.

13. Respondent agrees that the State's counsel may present this Order to the Board for consideration.


14. By entering into this Order, Respondent understands that he may be represented by legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

15. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

16. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

17. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

18. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Brian J. Hansen, D.O., Respondent

Subscribed and sworn to before me on October 21, 2013.

Notary Public, State of Iowa
Becky J. Lohrbach



This Order is approved by the Board on October 25, 2013.

A handwritten signature in cursive script, appearing to read "G. Hoversten".

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE DISCIPLINARY CHARGES AGAINST

BRIAN J. HANSEN, D.O., RESPONDENT

FILE Nos. 03-12-316 & 03-12-326

EMERGENCY ADJUDICATIVE ORDER

COMES NOW the Iowa Board of Medicine on September 25, 2012, and finds that it was presented with evidence which establishes that Respondent's continued treatment of female patients without appropriate monitoring constitutes an immediate danger to the public health, safety, and welfare. The Board has conducted a full investigation of this matter. A summary of the evidence obtained in that investigation is as follows:

FINDINGS OF FACT

1. Respondent was issued Iowa medical license no. 3580 on June 30, 2004.
2. Respondent's Iowa medical license is active and will next expire on February 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Hampton, Iowa. Respondent currently practices emergency medicine in Webster City, Charles City and Fairfield, Iowa.

5. The Board alleges that Respondent engaged in a pattern of sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa including, but not limited to, the following:

A. **Female #1:** Respondent worked with Female #1 and provided medical care to her between May 2009 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made inappropriate sexual telephone calls, to Female #1.
- 2) On several occasions, Respondent masturbated in the presence of Female #1 in his office while pornography was playing on his office computer.
- 3) On several occasions in 2011-2012, Respondent pressured Female #1 to engage in sex acts with him, and physically threatened her on one occasion.
- 4) Respondent threatened to have Female #1 fired.

B. **Female #2:** Respondent worked with Female #2 between July 2010 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made other inappropriate sexual overtures, to Female #2.
- 2) Respondent initiated inappropriate sexual contact with Female #2 while working together in the hospital in December 2011 and January 2012.

C. **Female #3:** Respondent worked with Female #3 between February 2007 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made other inappropriate sexual overtures, to Female #3.
- 2) On multiple occasions, Respondent masturbated in the presence of Female #3 in his office while pornography was playing on his office computer.
- 3) On occasions while he was providing medical care to her, Respondent kissed Female #3, touched her inappropriately and engaged in nonconsensual sexual conduct toward her.

D. **Female #4:** Respondent worked with and provided medical care to Female #4 between April 2007 and May 2012:

- 1) Respondent made improper sexual comments, inappropriate sexual telephone calls, and other inappropriate sexual overtures, to Female #4.
- 2) Respondent engaged in nonconsensual sexual conduct towards Female #4.

E. **Female #5:** Respondent worked with Female #5 and provided medical care to her between August 2010 and March 2012:

- 1) Respondent made improper sexual comments, inappropriate sexual telephone calls, and other inappropriate sexual overtures, to Female #5.

- 2) Respondent viewed pornography on his office computer in the presence of Female #5 on multiple occasions.
- 3) On one occasion while working with Female #5, Respondent asked her to engage in inappropriate sexual conduct.

F. **Female #6:** Respondent worked with, and provided medical care to, Female #6 between November 2006 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and other inappropriate sexual overtures, to Female #6.
- 2) On one occasion while providing medical care to Female #6, Respondent engaged in nonconsensual sexual conduct towards her.
- 3) On another occasion while providing medical care to Female #6, Respondent forcibly engaged in a sexual act with Patient #6 in Respondent's office. Respondent later engaged in sex acts with Female #6 on more than one occasion.

6. After careful consideration of all of the information obtained by the Board in this matter, the Board concluded that Respondent's continued medical practice constitutes an immediate danger to the public health, safety, and welfare.

CONCLUSIONS OF LAW

7. The facts set forth above indicate that Respondent is unable to continue to practice medicine at this time.

8. The Board concludes that this matter has been fully investigated and that this investigation has been sufficient to ensure the Board is proceeding on the basis of reliable information. Respondent was given an opportunity to respond to the allegations against him.

9. The facts set forth above establish that there is a serious and immediate threat to patient health if Respondent is allowed to continue to practice medicine before the Board reaches a final resolution of the pending charges.

10. The facts set forth above establish that Respondent may not continue to practice medicine without posing an immediate danger to the public health, safety or welfare.

11. The imposition of other interim safeguards would not be sufficient to protect the public health, safety, or welfare. Respondent has engaged in a pattern of behavior towards multiple patients that was threatening, aggressive, and in some cases assaultive. Allowing him to continue to practice with restrictions is not sufficient to protect the public. It is not safe for Respondent to continue to practice medicine until this matter is resolved.

12. The Board finds that suspension of Respondent's ability to practice medicine is necessary to protect the public health, safety or welfare until this case is finally resolved.

13. Respondent shall be notified immediately of this order pursuant to 653 IAC 25.29.

14. A hearing on this Emergency Adjudicative Order, and the Statement of Charges which have been filed concurrently with this order, shall be held on October 10-11, 2012. The hearing will begin at 8:30 a.m. and will be held at the Board office, located at 400 S.W. 8th Street, Suite C, Des Moines, Iowa.

ORDER

THEREFORE IT IS HEREBY ORDERED: that Respondent's Iowa medical license is suspended until this matter is resolved.

This order dated September 25, 2012.

Colleen K. Stockdale MD MS

Colleen K. Stockdale, M.D., M.S., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

BRIAN J. HANSEN, D.O., RESPONDENT

FILE Nos. 03-12-316 & 03-12-326

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on September 25, 2012, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 3580 on June 30, 2004. Respondent's Iowa medical license is active and will next expire on next expire on February 1, 2013.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on October 10-11, 2012, before the Iowa Board of Medicine. The hearing shall begin at 8:00 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on October 1, 2012, at 9:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(10), 23.1(5) and 13.7(4)(a)-(c) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa:

- A. In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with a patient or with the patient's parent or guardian if the patient is a minor.
- B. A physician shall not engage in any sexual conduct with a patient when that conduct occurs concurrent with the physician-patient relationship, regardless of whether the patient consents to that conduct.
- C. A physician shall not engage in any sexual conduct with a former patient unless the physician-patient relationship was completely terminated before the sexual conduct occurred. In considering whether that relationship was completely terminated, the board will consider the duration of the physician-patient relationship, the nature of the medical services provided, the lapse of time since the physician-patient relationship ended, the degree of dependence in the physician-patient relationship, and the extent to which the physician used or exploited the trust, knowledge, emotions, or influence derived from the physician-patient relationship.

- D. A psychiatrist, or a physician who provides mental health counseling to a patient, shall never engage in any sexual conduct with a current or former patient, or with the patient's parent or guardian, if the patient was a minor, regardless of whether the patient consents to that conduct.

COUNT II

12. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics.

COUNT III

13. **Practice Harmful and Detrimental to the Public:** Respondent is charged under Iowa Code section 147.55(3) and 272C.10(3) and 653 IAC 23.1(3) with engaging in practice harmful or detrimental to the public.

STATEMENT OF THE MATTERS ASSERTED

14. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Hampton, Iowa. Respondent currently practices emergency medicine in Webster City, Charles City and Fairfield, Iowa.

15. The Board alleges that Respondent engaged in a pattern of sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa including, but not limited to, the following:

A. **Female #1:** Respondent worked with Female #1 and provided medical care to her between May 2009 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made inappropriate sexual telephone calls, to Female #1.
- 2) On several occasions, Respondent masturbated in the presence of Female #1 in his office while pornography was playing on his office computer.
- 3) On several occasions in 2011-2012, Respondent pressured Female #1 to engage in sex acts with him, and physically threatened her on one occasion.
- 4) Respondent threatened to have Female #1 fired.

B. **Female #2:** Respondent worked with Female #2 between July 2010 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made other inappropriate sexual overtures, to Female #2.
- 2) Respondent initiated inappropriate sexual contact with Female #2 while working together in the hospital in December 2011 and January 2012.

C. **Female #3:** Respondent worked with Female #3 between February 2007 and May 2012:

- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and made other inappropriate sexual overtures, to Female #3.
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- 3) On occasions while he was providing medical care to her, Respondent kissed Female #3, touched her inappropriately and engaged in nonconsensual sexual conduct toward her.

D. **Female #4:** Respondent worked with and provided medical care to Female #4 between April 2007 and May 2012:

- 1) Respondent made improper sexual comments, inappropriate sexual telephone calls, and other inappropriate sexual overtures, to Female #4.
- 2) Respondent engaged in nonconsensual sexual conduct towards Female #4.

E. **Female #5:** Respondent worked with Female #5 and provided medical care to her between August 2010 and March 2012:

- 1) Respondent made improper sexual comments, inappropriate sexual telephone calls, and other inappropriate sexual overtures, to Female #5.

- 2) Respondent viewed pornography on his office computer in the presence of Female #5 on multiple occasions.
- 3) On one occasion while working with Female #5, Respondent asked her to engage in inappropriate sexual conduct.

F. **Female #6:** Respondent worked with, and provided medical care to, Female #6 between November 2006 and May 2012:

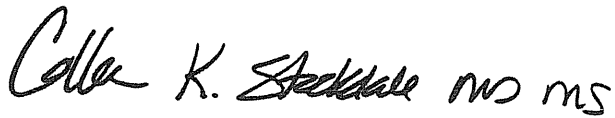
- 1) Respondent made improper sexual comments, sent inappropriate sexual emails, and other inappropriate sexual overtures, to Female #6.
- 2) On one occasion while providing medical care to Female #6, Respondent engaged in nonconsensual sexual conduct towards her.
- 3) On another occasion while providing medical care to Female #6, Respondent forcibly engaged in a sexual act with Patient #6 in Respondent's office. Respondent later engaged in sex acts with Female #6 on more than one occasion.

E. SETTLEMENT

16. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

17. On September 25, 2012, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

A handwritten signature in black ink that reads "Colleen K. Stockdale MD MS". The signature is written in a cursive, flowing style.

Colleen K. Stockdale, M.D., M.S., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686